

Message Text

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ACTION STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 OIC-02 AF-08
ARA-06 EA-07 NEA-10 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15
ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00
OMB-01 /132 W
-----181606Z 110380 /47

P R 181423Z MAR 77
FM USDEL MTN GENEVA
TO SECSTATE WASHDC PRIORITY 2327
INFO AMEMBASSY OTTAWA
USMISSION EC BRUSSELS

LIMITED OFFICIAL USE SECTION 1 OF 2 MTN GENEVA 2077

ACTION STR

E.O. 11652: N/A
TAGS: ETRD, MTN
SUBJ: INFORMAL DISCUSSION OF POSSIBLE ANTIDUMPING SUBGROUP

REF: (A) MTN GENEVA 1418; (B) MTN GENEVA 0247

1. SUMMARY: IN INFORMAL SESSION OF MAJOR DC DELS CALLED BY THE EC, MOST PARTICIPANTS GAVE IMPRESSION THAT THEY WISHED TO AVOID CREATION OF MTN ANTIDUMPING SUBGROUP. CANADA AMB. GREY PUT FORWARD A PERSONAL SUGGESTION THAT THE DEVELOPING COUNTRIES BE ASKED TO DEMONSTRATE THE NEED FOR AN ANTIDUMPING SUBGROUP IN THE MTN BY SUBMITTING A LIST OF ACTUAL OR THREATENED ANTIDUMPING ACTION AGAINST THEIR EXPORTS. HE ANTICIPATES THAT AN EXAMINATION OF SUCH A LIST WILL REVEAL LITTLE LDC DIFFICULTY WITH ANTIDUMPING MEASURES AND PROVIDE A SOLID RATIONALE FOR NOT CREATING A NEW SUBGROUP. AMB. GREY IS WILLING TO PUT FORWARD THIS
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IDEA AT NEXT PARENT GROUP MEETING IF OTHER MAJOR DC'S WILL SUPPORT IT. END SUMMARY.

2. AT EC (ABBOTT) REQUEST, CANADA (AMB. GREY), AUSTRALIA (RYAN), JAPAN (TAMORI), SWEDEN (STALBERG), AND US (NEWKIRK) ATTENDED INFORMAL SESSION TO EXCHANGE PERSONAL VIEWS ON HOW THE LDC DEMAND FOR AN ANTIDUMPING SUB-

GROUP COULD BE HANDLED AT THE UPCOMING NTM PARENT GROUP MEETING. ABBOTT BELIEVED THAT GATT ANTI-DUMPING COMMITTEE INVITATION FOR NON-SIGNATORIES TO PARTICIPATE IN ITS WORK "MISFIRED" (REF A) AND THAT, THEREFORE, LDC'S WILL KEEP UP PRESSURE FOR A NEW SUBGROUP IN THE MTN. HE WISHED TO EXPLORE POSSIBLE ALTERNATIVES, INCLUDING OUTRIGHT REFUSAL, SO THAT THE DC'S COULD TAKE A COMMON LINE. THE SLOW PACE OF THE GATT COMMITTEE'S WORK (REF A), IN THE EC'S VIEW, MADE REFERENCE TO THE COMMITTEE'S WORK A "THIN" ARGUMENT FOR NOT SETTING UP AN NTM SUBGROUP.

3. AMB. GREY SAID THAT ALTHOUGH THE INITIAL CANADIAN TACTIC WAS TO ESTABLISH AN ANTIDUMPING SUBGROUP IN THE MTN, IN LIGHT OF RECENT DEVELOPMENTS THEY HAD DOUBTS ABOUT WHETHER NEGOTIATION OF THIS TOPIC IN THE MTN IS PRACTICAL. WITH HIS TABLING OF A DRAFT AGENDA FOR NEGOTIATIONS ON SUBSIDIES/COUNTERVAILING MEASURES, AMB. GREY BELIEVES THAT ALL THE IMPORTANT SECTIONS IN THE ANTIDUMPING CODE (I.E., DEFINITION OF INDUSTRY AND INJURY CRITERIA) ARE BEING DEALT WITH BY THE SUBSIDIES/CVD SUBGROUP. HE SEES NO REASONS WHY DELEGATIONS SHOULD NEGOTIATE THESE PROVISIONS TWICE IN DIFFERENT SUBGROUPS. AMB. GREY SAID THAT HE WAS PREPARED TO SEE THE RESULTS OF THE SUBSIDIES/CVD NEGOTIATIONS INCORPORATED INTO THE ANTIDUMPING CODE EITHER AT THE END OF THE MTN OR AT A LATER DATE. ON THE ISSUE OF S AND D FOR LDC'S IN ANTIDUMPING, AMB. GREY BELIEVES THAT A MEANINGFUL INJURY TEST MAY GIVE THE LDC'S ALL THEY NEED. HE STATED, HOWEVER, THAT OUTRIGHT REFUSAL TO CREATE A SUBGROUP WOULD BE PREMATURE, AND THAT LIMITED OFFICIAL USE

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LDC'S SHOULD BE GIVEN AN OPPORTUNITY TO DEMONSTRATE THE NEED FOR AN ANTIDUMPING SUBGROUP. AMB. GREY VOLUNTEERED HIS PERSONAL SUGGESTION THAT, AS A FIRST STEP, THE LDC'S BE INVITED TO PUT FORWARD A LIST OF ACTUAL OR THREATENED ANTIDUMPING ACTIONS AGAINST THEIR IMPORTS. THE NTM PARENT GROUP WOULD EXAMINE THIS LIST TO DETERMINE IF THERE REALLY ARE PROBLEMS IN ANTIDUMPING THAT ARE NOT NOW BEING DEALT WITH. THE RESULT OF SUCH AN EXAMINATION, AMB. GREY SPECULATED, WOULD ILLUSTRATE THAT THE LDC'S DO NOT HAVE A REAL PROBLEM WITH ANTIDUMPING ACTIONS SINCE FEW ACTIONS HAVE BEEN TAKEN AGAINST THEIR EXPORTS. IF THE LDC'S RESIST THIS "REASONABLE APPROACH", AMB. GREY SUGGESTED THAT DC'S ADOPT A COMMON POSITION THAT THEY ARE NOT WILLING TO ESTABLISH A NEW SUBGROUP WITHOUT A DEMONSTRATED NEED FOR SUCH A SUBGROUP BECAUSE THE NEGOTIATING "PLATE IS FULL". IF OTHER DC'S WERE WILLING TO SUPPORT THIS APPROACH, AMB. GREY OFFERED TO PUT THIS IDEA FORWARD AT THE APRIL NTM PARENT GROUP MEETING.

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P R 181423Z MAR 77
FM USDEL MTN GENEVA
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4. SINCE DELEGATIONS WERE UNINSTRUCTED ON THIS TOPIC, THEY OFFERED THEIR PERSONAL REACTION TO AMB. GREY'S SUGGESTION. DELS THOUGHT THAT FIRST ELEMENT OF CANADIAN IDEA (I.E., INVITATION OF LDC'S TO PRESENT CONCRETE PROBLEMS WITH ACTUAL ANTIDUMPING CASES) WAS A REASONABLE APPROACH. THE US POINTED OUT THAT ITS APPARENT ISOLATION AT THE PREVIOUS NTM PARENT GROUP (REF B) REQUIRED FRESH THINKING AMONG DC'S ON THIS SUBJECT. US DEL EXPRESSED CONCERN ABOUT THE DIFFICULTIES OF NEGOTIATING ANY CHANGES TO THE ANTI-DUMPING CODE IN THE MTN AND THE POSSIBLE NEGATIVE EFFECT SUCH NEGOTIATIONS COULD HAVE ON THE SUBSIDIES/CVD NEGOTIATIONS. FURTHERMORE, WE REGISTERED OUR APPREHENSION THAT, ALTHOUGH WE STILL ARE WILLING TO LISTEN TO IDEAS, THIS MAY BE AN AREA WHERE S AND D IS NOT APPROPRIATE. AMB. GREY AND ABBOTT INDICATED THAT THEY ENVISAGED ALMOST NO PROSPECT FOR S AND D IN ANTIDUMPING.

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5. THE NORDICS RECOUNTED THAT THEY HAD NOT OPPOSED A NEW SUBGROUP IN THIS AREA, BUT THAT THEY WOULD WELCOME A DEVELOPMENT SUCH AS THE FIRST PART OF THE SCENARIO OUTLINED BY AMB. GREY. STALBERG DOUBTED, HOWEVER, THAT THE NORDICS COULD FOLLOW THE SECOND PART OF THE SCENARIO, I.E., REFUSAL TO ESTABLISH A NEW SUBGROUP. THE EC ALSO NOTED THAT THEY MAY HAVE SOME PROBLEMS WITH FOLLOWING THE SECOND PART. ABBOTT OPINED, HOWEVER, THAT MAYBE IT IS TIME TO DRAW THE LINE ON THE ESTABLISHMENT OF NEW SUBGROUPS. HE OBSERVED THAT UNLESS THERE CAN BE A REASONABLE APPROACH TO THE ESTABLISHMENT OF NEW SUBGROUPS, AFTER THE LDC'S GAIN AN ANTIDUMPING SUBGROUP THEY WILL TAKE UP ANOTHER CAUSE IN THE NTM PARENT GROUP. AUSTRALIA AND JAPAN DID NOT RECORD ANY OPPOSITION TO AMB. GREY'S SCENARIO.

6. ABBOTT ASKED THAT DELEGATIONS KEEP IN TOUCH AS THEY DEVELOP THEIR THINKING ON THIS ISSUE AND THAT IF ALL WERE AGREED ON AMB. GREY'S SCENARIO, THAT THIS POSITION BE INFORMALLY COMMUNICATED TO THE DEVELOPING COUNTRIES PRIOR TO THE NTM PARENT GROUP MEETING.

7. COMMENT: US MTN DEL SEES THE GREY SCENARIO AS USEFUL BECAUSE IT GIVES THE APPEARANCE OF BEING REASONABLE AND RESPONSIVE TO LDC DEMANDS. UNFORTUNATELY, WE WOULD EXPECT THAT THE LDC'S WILL REGARD IT AS A DELAYING TACTIC AND WILL LIKELY BE UNWILLING TO ACCEPT IT. THE REJECTION OF THIS "REASONABLE" APPROACH, HOWEVER, WOULD GIVE US AN OPPORTUNITY AND AN EXCUSE TO OPPOSE OUTRIGHT THE CREATION OF A SUBGROUP. AS IT STANDS NOW, HOWEVER, ONLY AMB. GREY WAS WILLING TO TAKE A "NO" POSITION. IF WE ARE TO AVOID AGAIN BEING ISOLATED, WE BELIEVE THAT THE GROUNDWORK MUST NOW BE LAID TO INDUCE THE OTHER DC'S TO JOIN THE US AND CANADA IN ASSUMING A "NO" POSITION. MTN DEL IS FORWARDING AN ISSUE PAPER TO STR (KELLY) OUTLINING A POSSIBLE COURSE OF ACTION IN THIS REGARD. END COMMENT.
CULBERT

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Message Attributes

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